IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

TUESDAY, THE 10TH JULY 2007 / 19TH ASHADHA 1929

WP(C).No. 20850 of 2007(F)

PETITIONER:

DEVIDAS, S/O. UNNI,
VELAPARAMBIL, LOKAMALESWARAM VILLAGE, DESOM,
KODUNGALLUR TALUK, REP. BY HIS POWER OF ATTORNEY
HOLDER AND FATHER UNNI, S/O. KUNJU ACHARI,
VELAPARAMBIL, LOKAMALESWARAM VILLAGE, DESOM,
KODUNGALLUR TALUK.

BY ADV. SRI.V.M.KRISHNAKUMAR

RESPONDENTS:

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1. KODUNGALLUR MUNICIPALITY,
   REPRESENTED BY THE SECRETARY,
   MUNICIPAL OFFICE, KODUNGALLUR.

2. SECRETARY,
   KODUNGALLUR MUNICIPALITY, MUNICIPAL OFFICE,
   KODUNGALLUR.

BY SRI.M.P.ASOK KUMAR

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.BASHEER, J.

W.P.(C)No.20850 OF 2007

Dated this the 10th day of July, 2007

JUDGMENT

Petitioner was served with Ext.P5 notice by which the he was directed by Kodungallur Municipality not to use loudspeaker in the hall owned by him. According to the Municipality, the local residents had raised objection against the use of loudspeaker. Anyhow, it is the admitted position that petitioner has preferred Ext.P6 appeal against the above notice. The grievance of the petitioner is that despite the pendency of the appeal, the Municipality is likely to initiate action pursuant to Ext.P5 notice and cancel his license. Learned Standing Counsel submits that the contentions raised by the petitioner are totally misconceived and baseless.

2. However, it will be open to the Municipality to take a decision in the matter in accordance with law. If the order to be passed by the Municipality goes against the petitioner, the said order shall not implement for seven days from the date of receipt of a copy of this judgment. Needless to mention that

before disposing of the appeal, the Municipality shall afford sufficient opportunity to the petitioner to be heard.

Writ petition is disposed of as above.

A.K.BASHEER, JUDGE

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